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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/666,339	09/18/2003	Ruey-Lin Liang	JCLA5298-CIP	8394

7590 07/07/2004

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EXAMINER

MILLER, BRIAN E

ART UNIT	PAPER NUMBER
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2652

DATE MAILED: 07/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/666,339

Applicant(s)

LIANG ET AL.

Examiner

Brian E. Miller

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

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Claims 1-6 are pending.

Claim Objections

1. Claims 1-3 are objected to because of the following informalities: (a) claim 1, line 12 the word "an" should be changed to "a"; (b) claim 2, line 2 the phrase "the part" should be changed to "a part" for clarity; (3) claim 3, line 2 the word "an" should be changed to "a". Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-4 are rejected under 35 U.S.C. 102(b) as being anticipated by Sakurai et al (US 5,299,185). Sakurai et al discloses a cartridge holder for receiving a cartridge or a disc 100 without a cartridge, in which the cartridge holder having a cartridge opening 70 mechanism for opening 70 a shutter 113 of a cartridge, as shown mainly in FIGs. 4-6, including: a cartridge holder body 20, with an opening 70 located on a side of the cartridge holder body 20, which opening 70 receives the cartridge and the disc 100 without a cartridge, and a first hinge shaft structure 95 disposed on another side of the cartridge holder body 20 away from the opening 70; a pivot arm, wherein the pivot arm 96 is mounted on the same surface of the cartridge holder body 20 for receiving the cartridge, wherein a first end 98 of the pivot arm 96 constitutes a second hinge shaft structure 95, which second hinge shaft structure 95 interlocks with the first

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hinge shaft structure 95 to allow a rotation of the pivot arm, the first and second hinge structure are notated as element 95, however, it is readily apparent that two parts encompass this structure to permit appropriate pivotal movement (see col. 8, lines 57-63 & col. 10, lines 21-25), such that when a second end of the pivot arm 96 is in a closed position and comes into contact with an edge of a protrusion on a cartridge shutter 113, the first end 98 of the pivot arm 96 is pushed by the cartridge to an open position in which the cartridge shutter 113 is open; and an elastic device 99, with a part (unnumbered, but shown in at least FIG. 5 in contact with hooked structure) of the elastic device 99 secured to the cartridge holder body 20 and another part (also unnumbered but pictured) of the elastic device 99 secured to the pivot arm, wherein the elastic device 99 provides a restoring force to return the pivot arm 6 from the open position back to the closed position in the absence of the cartridge; (as per claim 2) wherein the cartridge holder body 20 includes a hooked structure (unnumbered, shown in FIG. 5) to secure a part of the elastic device 99; (as per claim 3) wherein the end of the pivot arm 96 includes a protruding point (roller 98) that comes into contact with the edge of the protrusion on the shutter 113; (as per claim 4) wherein the elastic device 99 includes a torsion spring.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 5-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sakurai et al. For a description of Sakurai, see the rejection, supra. Sakurai et al remains silent as to the spring being an extension spring or a compression spring. It would have been obvious, however, to one having ordinary skill in the art at the time the invention was made to have substituted one or the other as being structural equivalents. The motivation would have been: lacking any unobvious or unexpected results, substituting one type of spring for another equivalent type of spring would have been realized by a skilled artisan through routine engineering design choice.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure including US Patents to Kawamura et al (5,737,293) and Kurozuka et al (6,272,093) which are cited to show loading mechanisms for both a cartridge and naked disc.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian E. Miller whose telephone number is (703) 308-2850. The examiner can normally be reached on M-TH 7:15am-4:45pm (and every other friday).

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hoa T. Nguyen can be reached on (703) 305-9687. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Brian E. Miller
Primary Examiner
Art Unit 2652

Bem
July 1, 2004